IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

OP.No. 33481 of 2000(J)

PETITIONER:

K.M.ABDUL KARIM, KALARICKAL VEEDU,
VENMONY P.O., CHENGANNUR,
ALAPUZHA DISTRICT

BY ADV. SRI.K.S.MOHAMED HASHIM

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, ALAPUZHA

2. REVENUE DIVISIONAL OFFICER, CHENGANNUR

3. DEPUTY DIRECTOR OF SURVEYS (RE-SURVEY)
ALAPUZHA

4. HEAD MASTER, GOVT. JUNIOR BASIC SCHOOL,
VENMONY, CHENGANNUR.

BY GOVERNMENT PLEADER SRI.BASANT BALAJI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 33481 of 2000

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- A TRUE COPY OF THE JUDGMENT DATED 23.7.83 IN O.S. 140/81 OF THE HON'BLE MUNSIFF'S COURT, CHENGANNUR.

EXT.P2- A TRUE COPY OF THE JUDGMENT DATED 20.6.87 IN A.S.129/83 OF THE ADDITIONAL DISTRICT COURT, MAVELIKARA.

EXT.P3- A TRUE COPY OF THE REPORT DATED 31.12.93 FORWARDED BY THE SECOND RESPONDENT DISTRICT COLLECTOR, CHENGANNUR TO THE FIRST RESPONDENT DISTRICT COLLECTOR, ALAPPUZHA

EXT.P4- A TRUE COPY OF THE LETTER DATED 12.6.2000 RECEIVED BY THE PETITIONER FROM THE FIRST RESPONDENT

EXT.P5- A TRUE COPY OF THE REPRESENTATION DATED 23.9.2000 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT

(TRUE COPY)

P.A TO JUDGE

K.PADMANABHAN NAIR, J

O.P. 33481/2000

Dated this the 29th day of October, 2007

JUDGMENT

It is submitted by the learned counsel for the petitioner that the Kerala Survey & Boundaries Act is amended and in view of the amendment, the petitioner has filed a Revision Petition before the District Collector and the same is pending. It is submitted that prior to the amendment, the provision was to file a suit within one year, if parties are aggrieved. But in view of the provisions contained in Section 13A of the Act, a party can file a Revision Petition also. It is submitted that the petitioner has filed Ext.P6 petition before the District Collector as No. 46623/2007 and the same is pending. If, as a matter of fact, the petitioner has filed a Revision Petition and the same is pending, the District Collector shall hear and dispose of the same, in accordance with law, with due notice to the persons likely to be affected by the decision.

2. So without prejudice to the rights of the petitioner to pursue the remedy available to him, this writ petition is closed.

K.PADMANABHAN NAIR
Judge

mrcs